

REMARKS/ARGUMENTS

As noted above, this application is a continuation of U.S. Application Serial No. 10/185,604, filed June 28, 2002.

Claims 1, 6-8, 9, 12, 14, 15, 21 and 24 are amended, no claims are added; as a result, claims 1-28 are now pending in this application.

During prosecution of the Parent application, an office action dated October 22, 2003 (the "office action"), rejected claims 15, 16, 18, 19, and 22-28 under 35 USC § 102(e) as being anticipated by White, et al. (U.S. Patent No. 6,532,152). The office action also rejected claims 1-8, 10-12, 17, 20, and 21 under 35 USC § 103(a) as being unpatentable over White, et al. (U.S. Patent No. 6,532,152) in view of Maeda, et al. (6,356,259). Further, the office action rejected claims 13 and 14 under 35 USC § 103(a) as being unpatentable over White, et al. (U.S. Patent No. 6,532,152)/Maeda, et al. (6,356,259), and further in view of Shimada (U.S. Publication No. 2002/0152025). Finally, in that same office action the Examiner objected to claim 9 indicating that it contained subject matter that would be allowable if combined with the elements and limitations of its respective base claim, independent claim 1, and any intervening claims.

In the interest of furthering the prosecution of the Parent case the Applicant placed the objected to subject matter into condition for immediate allowance by amending its base claim and other claims to include the allowable subject matter. Additionally, in the Parent case, the Applicant amended the remaining independent claims to include the allowable subject matter and cancelled certain claims which stood rejected in the office action. The present preliminary amendment addresses additional allowable subject matter as supported by the specification of the Parent case as originally filed.

In the present preliminary amendment, Applicant's independent claim 1, as amended, recites in part:

a mounting member circumscribing the opening for use in providing a watertight seal, the mounting member including:
a first leg positioned away from a top of the housing and attached to a first shock absorbing member; and
a second leg positioned away from the top of the housing and attached to the first shock absorbing member and a flexible adhesive.

The Applicant respectfully asserts that the White reference does not describe a mounting member comprising two legs positioned away from the housing. Rather, the White reference appears to describe a U-shaped shock absorbing frame made of foam (See col. 14, lines 14-15; reference numeral 300).

In contrast, Applicant's independent claim 1, as amended, describes a mounting member for use in providing a water tight seal including a first and a second leg positioned away from the top of the housing and attached to first shock absorbing member and a flexible adhesive. As defined by the Applicant's specification, the mounting member is comprised of essentially a solid piece of plastic (See Spec. page 20, lines 23-25).

Since each and every limitation of Applicant's independent claim 1, as amended, is not shown by the White reference, Applicant believes that independent claim 1, as amended, is allowable. Applicant respectfully requests consideration of the same upon consideration of the present preliminary amendment.

In the present preliminary amendment, Applicant's independent claim 12, as amended, recites in part:

a fluid seal securing the touch panel to the housing, the fluid seal being compressed toward the housing by the touch panel and toward the mounting member by a backing bracket to provide a water proof seal and a shock mount.

In the Parent case, the Examiner cited the White reference as describing a fluid seal (See col. 13, lines 23-27, and lines 38-42; col. 16, lines 35-37; and col. 14, lines 49-55). The White reference appears to describe a region of contact between an upper shell and screen overlay using a gasket to form a seal (See col. 14, lines 52-

55) However, White does not describe a fluid seal compressed in two directions to prevent fluid flow past the touch panel and into the housing.

In contrast, Applicant's independent claim 12 describes a fluid seal securing the touch panel to the housing, the fluid seal being compressed toward the housing by the touch panel and toward a mounting member by a backing bracket to prevent fluid flow past the touch panel and into the housing.

Moreover, the White reference describes a device with a generally sealed cavity to prevent moisture from penetrating the housing (See col. 13, lines 23-26). Additionally, the White reference describes air vents (See Col. 14, line 5; reference numerals 230 and 232) for allowing air ingress and egress for cooling internal components of the White device. The description of air vents in the White reference helps to emphasize a distinguishing element of Applicant's independent claim reciting a fluid seal to protect the internal parts of the device from fluid flow.

That is, Applicant's independent claim 12, as amended, describes a device capable of preventing fluid flow from penetrating the housing. As defined by the Applicant's specification, the Applicant's device is a water proof device (See Spec. page 13, line 10; page 18, line 23; and page 21, line 4). Having air vents, the White device is clearly not waterproof.

As such, Applicant believes that independent claim 12, as amended, is allowable. Applicant respectfully requests consideration of the same upon consideration of the preliminary amendment.

Applicant's independent claim 15 recites in part:

a dead reckoning component located within the housing, the dead reckoning component in communication with the processor and operable to detect a position of the hand-held electronic device when GPS signals are unavailable

The Applicant respectfully asserts that the Shimada reference does not describe a hand-held electronic device comprising a dead reckoning component operable to detect a position of the hand-held electronic device when GPS signals

are unavailable. The Shimada reference explicitly describes three components: a bearing sensor, a speed sensor, and a GPS receiver, as a means for detecting a position (See 0058 of the Shimada reference). The Shimada reference appears to describe a device where all three components are used in conjunction to detect a position (See 0058, numerals 11, 12, and 13; 0060, numeral 41). Shimada does not provide any teaching or suggestion for a dead reckoning device operable to detect a position of the hand-held electronic device when GPS signals are unavailable.

In contrast, the Applicant's claim 15, as amended, clearly recites a dead reckoning component in communication with the processor and capable of detecting a position of the hand-held electronic device when GPS signals are unavailable. The same is supported by the specification as originally filed. (See Spec. page 13, lines 1-2; and page 21, line 26 to page 27, line 2). For example, the Applicant's specification recites that the dead reckoning device is "used for calculating routings when a navigational signal is lost." (See Spec. page 13, lines 1-2). That is, the dead reckoning device can be used independent of the Applicant's GPS device to detect a position.

As such, Applicant respectfully submits that Shimada does not teach or suggest, either independently, or in combination with the White and the Maeda references, each and every element of independent claim 15, as amended.

Moreover, the Applicant is unable to locate in any of the references a teaching or suggestion to combine the references together. That is the Mobile Unit Navigation Method of Shimada does not within the reference teach or suggest any combination with the Touch Panel Input Device of the Maeda reference, nor with the Ruggedized Hand Held Computer of the White reference. Applicant respectfully submits per MPEP Section 2143 that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

To summarize, the Shimada reference appears to address routing and re-routing with GPS navigation software. It does not address touch panels and/or waterproofing. The Maeda reference appears to address unreliable detection and

position of a pressure point on a touch panel. Thus, the Maeda device appears to provide for an improved reliability by sealing a transparent insulative fluid between transparent plates (See col. 1, lines 11-14; and col. 4, lines 18-26). Maeda does not teach or suggest anything relating to GPS navigation software. Last, White appears to address customizing and upgrading a ruggedized computer device (See col. 2, lines 51-62). The ruggedized computer device of White does not produce a waterproof device, by virtue of its air vents. White only suggest a device which is moisture resistant.

In contrast, Applicant's claimed invention addresses and solves these issues together. Applicant's independent claim, as amended, recites a water proofed, shock resistant, touch panel navigation device. Since each and every element and limitation of independent claim 15, as amended, is neither taught or suggested in the combination of reference, Applicant believes that claim 15 is in condition for allowance. Applicant respectfully requests consideration of the same upon consideration of the preliminary amendment.

Applicant's independent claim 24, as amended, recites in part:

the fluid seal being compressed in a first direction by the touch panel and in a second direction by a backing bracket such that fluid flow past the touch panel and into the housing is prevented

In the Parent case, the Examiner cited the White reference as describing a fluid seal (See col. 13, lines 23-27, and lines 38-42; col. 16, lines 35-37; and col. 14, lines 49-55).

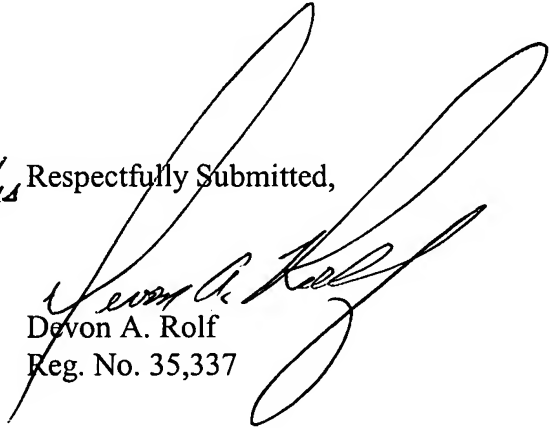
For the reasons described above in connection with independent claim 12, the Applicant believes that independent claim 24, as amended, is allowable. That is White appears to describe a moisture resistant device. However, White does not teach a device in which fluid flow into the housing is prevented. As such, Applicant believes that independent claim 24 is in condition for allowance. Applicant respectfully requests consideration of the same upon consideration of the present preliminary amendment.

CONCLUSION

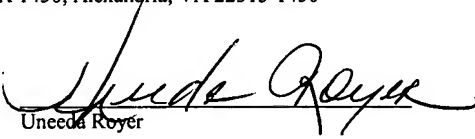
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340 to facilitate prosecution of this matter.

If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791. **Additionally, please direct all future correspondence regarding this case to: 1200 E. 151ST ST., OLATHE, KS 66062, ATTENTION: DEVON A. ROLF.**

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Date of Deposit: March 3, 2004
The undersigned hereby certifies that this paper and/or fee is being deposited via "Express Mail" on the date indicated above with the United States Postal Service pursuant to 37 C.F.R. §1.10, and is addressed to:
MS PATENT APPLICATION, Commissioner for Patents
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